

REMARKS

Communication with the Examiner

On December 15, 2008, applicants' representative provided the Examiner with a proposed draft amendment, similar to that in the present Response. On January 6, 2009, the Examiner responded with a voice message indicating that the proposed draft amendment appears to overcome the outstanding rejection and further search is required to determine the patentability of the claims. Applicants hereby thank the Examiner for the courtesy of reviewing the draft proposed amendment.

Claims

Claims 15, 17-24, 31 and 32 were pending when last examined. With this Response, Applicants have amended claims 15, 17 and 22 and added new claims 34 and 35. No new matter has been added. Support for the amendment can be found at least in pages 5 and 23 of the specification.

Claim Rejections – 35 USC § 103

Claims 15, 18-24, 31, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer in view of Dedrick in view of Del Sesto in view of Kiewit in view of Grauch. The applicants respectfully traverse the rejections.

Claim 15, in part, requires a user history that is hierarchically organized to include first and second user action history parts to describe different aspects of the user's multimedia consumption. Each of these parts has a list of user action items and can be independently protected by using separate data protection attributes. Furthermore, each user action item has a program identifier including a content reference identifier for identifying the consumed multimedia content and enabling access to content related metadata that is not provided in the user history. Thus, advantageously, detailed history information is provided about multimedia consumption without storing unnecessary data, and from this detailed

history information the user can select which aspect of the information should be protected. Avoiding waste of storage space is particularly advantageous for limited-capacity storage mediums, such as those in smart cards. *See, e.g.*, application at page 5. The prior art cited by the Examiner fails to disclose or fairly suggest such a user history.

The Examiner admits that Ozer, Dedrick, Del Sesto and Kiewit fail to disclose separate lists of user action items for describing different aspects of the user's multimedia consumption, wherein each user action item has a respective program identifier. *See* Office Action dated 10/15/2008 at 6. The Examiner points to Grauch for the missing subject matter.

Grauch, however, also fails to disclose the claimed structure of the user action items. Grauch discloses merging metadata (Prevue Guide Data 82 and Broadcast Advertising Data 84) with a single list of event records (Clickstream Data 80) to create a single list of events (Clickstream Timeline 92). *See* Grauch at Figure 7. Thus, Grauch discloses transforming one list of user action items (Clickstream Data 80) into another list of user action items (Clickstream Timeline 92), but fails to disclose the claimed hierarchical user history with first and second user action history parts that include respective first and second lists of user action items for describing respective first and second aspects of the user's multimedia consumption, wherein each user action item has a respective program identifier. Furthermore, Grauch teaches that the merged event list can be used to determine which subscribers watched a particular ad (*see*, Grauch at col. 21:11-54), but fails to disclose that a content reference identifier enables access to content related metadata that is not provided in the user history, as required by the claim.

Furthermore, as discussed in the Amendment of October 29, 2007, the cited references lack several other limitations and there was no motivation to combine and modify these references to provide the claimed subject matter. *See* Amendment of October 29, 2007, at 7-9. For example, none of the cited references teaches or fairly suggests using the claimed data protection attributes to indicate which part of the data structure is protected. In fact, many of the cited references teach away from such protection mechanism as they teach transmitting the viewing histories to central locations for further processing. *See, e.g.*, Ozer Abstract and FIGS. 5A and 5B or Grauch at col. 1:25-37 and col. 2:39-60. Furthermore,

Dedrick discloses encrypting entire user profiles instead of protecting specific portions of it, and Del Sesto is related to protecting the execution of certain portions of applications instead of protecting the information in certain portions of a user history, as required by the claim. Thus, no *prima facie* case of obviousness has been made and claim 15 should be allowed.

Claims 18-21, 31 and 32 depend from claim 15 and are allowable for at least the same reasons as claim 15.

Claim 22, as amended, recites a method that includes storing a hierarchical data structure for describing user history, which is similar to that discussed above with reference to claim 15. Because the cited references fail to disclose or fairly suggest the claimed user history, claim 22 should be allowable for at least the reasons discussed above. Claims 23 and 24 depend from claim 22 and are allowable for at least the same reasons.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ozer, Dedrick, Del Sesto, Kiewit and Grauch in further view of the CIDF Website. The applicants respectfully traverse the rejection.

Claim 17 depends from claim 15 and, as amended, recites that each content reference identifier is a content reference ID (CRID) of a Content ID Forum (CIDF). As discussed above with reference to claim 15, Ozer, Dedrick, Del Sesto, Kiewit and Grauch fail to disclose or fairly suggest that a content reference identifier enables access to content related metadata that is not provided in the user history, as required by the claim. The CIDF Website is also lacking. Thus, no *prima facie* case of obviousness has been made and claim 17 should be allowed.

New Claims

New claims 34 and 35 depend from claims 15 and 22, respectively, and are allowable for at least the same reasons as their base claims.

CONCLUSION

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.

The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 50-1597.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

January 14, 2009

E-FILED

Date

Signature

Respectfully submitted,



By:

Ferenc Pazmandi
Agent of Record
Reg. No. L0078
FP/rp

January 14, 2009

SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, CA 94104-1715
Currently amended(415) 772-1200